

Withdrawal of the rejection of the claims under 35 U.S.C. § 102(e) as being anticipated by Peppel ('216) is earnestly requested.

The rejected claims, and new claims 35-50, are directed to a system for playing a game, or similar entertainment, using a smart card. In accordance with the claims, a smart card containing a processor is necessary in order to access a game played locally on a local computer, or via an inter connection on a remote server. In accordance with the present invention, the user's computer terminal can only be used to play an interactive game when a smart card is utilized containing information necessary to play the game.

In accordance with one embodiment of the invention of claims 1-14, 16-26 and 35-47, the smart card provides for security so that only holders of the smart card can access a game played on a remote computer system. Data from the smart card is used by the remote system to validate a user and permit interactive entertainment between the user and a remote server.

In accordance with one embodiment of the invention of claims 4, 5 and 34, the smart card may include identification data including card-specific code and a card-type code. The relationship between these two codes is used by the remote computer system to validate the user and otherwise permit access to the entertainment software.

In accordance with the embodiment set forth in claims 6, 21, 22, 23-26 and 35-37, the game played produces information which can be downloaded to the smart card. Thus, each time the smart card is read by the local computer system, it is possible to view the status of a game having been played.

Claims 28-34, and new claims 38-40, 48-50 are directed to a method which is specific to a smart card for playing a game on a local computer system, or a remote Internet connected computer system.

The device of Peppel is identified as an electronic trading card. The trading card is described as an electronic file having a certain format which is designed to support the concept of scarcity and authenticity. The electronic trading cards (ETC's) are distributed through various channels, including on-line posting, retail sales, promotional collateral, etc. The cards themselves may be incorporated on various media, such as floppy disks,

paper cards, etc. However, the trading occurs in an electronic form as an on-line collectable item. Once an ETC is electronically traded, or otherwise transferred, it can be written to various media and exchanged physically as a trading card.

The present invention is a smart card based entertainment system. In accordance with the rejected claims, the physical smart card including a processor and associated memory provides for interactivity between the user in possession of the card and a game running on a local computer or remote server. In reviewing the Peppel reference, there is no indication that any game playing occurs which is interactive with the smart card. Further, the security algorithm which is part of the smart card architecture in accordance with the present invention, permits only an original card owner to use the card and prevents unauthorized coping or duplication. The use of a secure physical smart card for gaining access to the game, and storing various data related to the playing of the game, is totally absent from the Peppel reference.

There is little resemblance between an ETC, which comprises a data file of a specific format which can be transferred, traded, read to or written to, and a smart card used in the application of an interactive game which is the subject of the rejected claims.

The card collecting scenario described by Peppel, in cols. 13-14, is exemplary of the differences between the present invention and the Peppel reference. In the described application for card collecting, a basic CD album or game is utilized in a computer system. When players solve puzzles of an increasing level of difficulty, the player receives an ETC having data on it which proves that a given level of proficiency was obtained. These electronic files can be printed or traded by transferring them to floppy disks or through digital communication.

The application described by Peppel does not utilize any smart card as a necessary component to provide for interactive entertainment with either a local or remote computer system. In accordance with the present invention, the smart card is an integral part of the entire game playing device, and is not merely a passive data file obtained through playing a game as is the case of Peppel.

The differences between the invention of the present application and the Peppel reference can be readily discerned by reviewing the claims.

To begin with, each of the apparatus claims requires a smart card, and each of the method claims requires either the smart card or the programming of the smart card. Peppel does not in any way suggest the use of a smart card.

Further, the present invention as exemplified by the claims includes a security feature incorporated in the smart card. The security feature is checked by either the local computer, when a local game playing operation is in effect, or by a remote computer server which is running game software. The use of the smart card discourages counterfeiting, in a way which can not be realized using a ETC device of Peppel, which is a disassociated computer program. The electronic trading card format disclosed in Peppel is entirely software, written to some type of medium for use on a computer system or printable media.

The Peppel reference fails to disclose any similar cards specific-code, and card-type code required in claims 4, 5 and 34. Further, the present invention requires per claims 6, 21, 22, 23-26 and 35-37 information derived from playing a game, such as a score, skill level, or other game related information in a smart card. The contents of the smart card are not revealed to the user, except under control of the game software. Thus, a user in possession of a smart card cannot otherwise read its contents as can be done with the ETC disclosed in Peppel.

Thus, it is clear that the smart card based system and method in accordance with the present invention provides for clearly distinct operational differences with Peppel, as well as advantages from the smart card not disclosed nor suggested in Peppel.

In accordance with the foregoing, it is clear that Peppel does not suggest or anticipate the subject matter of the rejected claims. Accordingly, favorable reconsideration is believed to be in order.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185.

Respectfully submitted,



George R. Pettit, Reg. No. 27,369
Customer Number 30678
Connolly Bove Lodge & Hutz LLP
1990 M Street, N.W., Suite 800
Washington, D.C. 20036-3425
Telephone: 202-331-7111

Date: 4/02/02



MARKED-UP REVISIONS

IN THE SPECIFICATION:

Page 6, paragraph 1 should read

A system for utilizing the electronic trading card 11 is shown more particularly in Figure 2. Figure 2 illustrates a computing facility 25 at the user's location for accessing the electronic trading card 11. The computing facility 25 includes a smart card reader 26 connected to a port of processor 27. A display 28 and keyboard 29 are provided to permit the interactive playing of a game related to the contents of the trading card 11.

Page 6, paragraph 4 should read

The base system software for the computing system 25 which may be downloaded from the server 32 includes a card reader interface. Additionally, card related information for verifying the card is downloaded along with graphic elements which are presented on the display 28 identifying a card type read from the card reader 26. The foregoing system which is capable of reading the electronic trading cards and writing to the cards from the server [28] 32 provides an interactive game capability for the holders of the electronic trading cards 11.

Page 7, paragraph 2 should read

The protocol for data transfer between the smart card based electronic trading card 11 and a remote server 32 containing a computer game program will conform to IEEE standards. The IEEE standard control can retrieve information from the smart card, and upload the data upon request of the computer game running on server [28] 32. Further, using the IEEE standards, updated statistics for a player may be transferred from the server 32 to the electronic trading card non-volatile RAM 23.

Page 9, paragraph 1 should read

the internal storage of a computer serving as the user's home computer computing system. Alternatively, the base software can be delivered to the user through the Internet from a web site maintained by the trading card issuer. The base software contains computer games and drivers that allow the local computer to recognize and communicate with the smart card reader/writer 26, and allows the local computer system [27] 25 and remote computer server 32 to read and write information to the smart card. The smart card reader/writer 26 is connected to the computer port 27 in step 41, and the user runs the base software programs in step 42. Execution of the base software results in the trading card information being displayed on the computer monitor 28 and includes computer games and the option to connect to a remote computer on which a computer game is executed.

Page 9, paragraph 2 should read

The user is presented with a decision in steps 44, 45 as to whether or not a game is to be played on a user's computing system, or whether it is to be played on a remote computer such as server 32.

Page 10, paragraph 1 should read

Even if the card is determined to be valid, the base software reads the general card ID to identify which game is associated with the card in step 54. The game stored on the internal storage medium selected from the "play games" option of step 50, then [determines from] runs by combining the stored algorithm code read from the smart card [is combined] with the computer code retained within the game software. Once the combination is validated by the game software, access to the game is given to the user.

Page 10, paragraph 2, should read

Figure 5 represents a similar scenario wherein a user chooses to play a game on-line by contacting a web site on server 32 to gain the game software in step 60. The base software resident on the local computer's internal storage includes the software necessary to connect to the remote computer in step 61, once the appropriate icon has been selected to go on-line. The local base software contains a web browser program and instructions to run a computer modem. Once a connection is made to the remote server 32, software running on server 32 loads a game program for play. The remote [computer] server links to a user's computer and reads the smart card when inserted in the smart card reader/writer 26 in step 63. As in the stand-alone version of the game, the remote software first checks to see that a valid card has been read by checking the unique card code and general ID to ensure that they match the unique card code and general card ID stored in the remote database seen in box 64. Further, in step 66 the security algorithms are read from the smart card 26 by the remote server 32 to validate that the user is in possession of a valid trading card, and the game is permitted to run. The security algorithm derived from the smart card is combined with related security data contained in the game software as a protection against counterfeit trading cards.

IN THE CLAIMS:

Kindly amend the claims as follows:

5. The system of claim 4,

 said [database further] remote computer system including [correlation] data [correlating] identifying a relationship between selected ones of said card-specific codes with a card-type code; wherein

 said security software compares said card-specific code and card-type code to said [correlation] relationship data to determine the validity of said embedded-chip trading card.

11. The system of claim [4] 1, said trading card information relating to sports figures and comprising statistics and biographical information about said sports figures.

14. The system of claim 12, wherein said card-type code corresponds to one of said sports figures and [identifies said one of said sports figures as playing a particular position, whereby] said remote computer system will only assign said one of said sports figures to [said position] one player in said interactive games.

17. (Amended) The system of claim 1, wherein said communications network is [the World Wide Web] the Internet.

18. (Amended) A system for playing a game comprising:
a smart card containing a stored program containing information regarding a game to be played on a remote computer server;
a computer having a smart card reader for reading said information and a display for displaying game information derived from said smart card, said computer including an internet connection; and
a remote server connected to an internet connection containing a computer program for playing a game with said computer, said remote server connecting to said computer over said Internet [connections] connection in response to a [logon] request received from said computer through said internet connections, and downloading to said computer a [plurality of] game [selections] for display on said computer display which [permit] permits said game to be played.

22. (Amended) The system according to claim 21 [further comprising programming instructions in said smart card for displaying on] wherein said computer displays on said [computer] display said status information downloaded from said remote server.

27. (Amended) A system for playing a game comprising:
a smart card containing a stored program containing information regarding
a game to be played on a computer; and
a computer having a smart card reader for reading said information and a
display for displaying game information derived from said smart card, said computer
including a computer program for playing a game with said computer, said computer
program being programmed to display a [plurality of] game [selections] selection for
display on said computer display which [permits] permits said game to be played.